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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,837

12/11/2003

Herman Rodriguez

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IBM CORPORATION (JSS)  
C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC  
6013 CANNON MOUNTAIN DRIVE, S14  
AUSTIN, TX 78749

EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/733,837

**Applicant(s)**

RODRIGUEZ ET AL.

**Examiner**

OJO O. OYEBISI

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/11/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/11/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-8, 17-22, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goeller et al (Goeller hereinafter, US PUB No.: 2002/0178112).  
**Re claims 1, 2-8.** Goeller discloses a method for generating an e-check, the method comprising: scanning a check to create an image of the check in response to receiving a check as payment for a transaction (see fig.5, also see paras 0054 and 0115); entering an amount of currency represented by the check into a point of sale terminal (see fig.5 element 302, also see paras 0039); identifying check information that describes a bank and a bank account (see paras 0039), wherein the check comprises the check information (see paras 0039, see fig.4-5). Goeller implicitly discloses, though not explicitly, generating a check object based upon the image, the amount, and the

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check information (see Goeller paras 0054). However, a secondary reference, Drummond, explicitly discloses generating a check object based upon the image, the amount, and the check information (see Drummond paras 0262). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Goeller and Drummond to speed up check processing at the POS.

**Re claim 17, 18-22.** Goeller further discloses an apparatus for generating an e-check, the apparatus comprising: an image scanner to create an image of a check in response to receiving the check as payment for a transaction (see fig.5, also see paras 0054 and 0115); an input device to input an amount of currency represented by the check (see fig.5 element 302, also see paras 0039); a character scanner to scan the check to identify check information that describes a bank and a bank account (see paras 0039, 0054 and 0115). Goeller implicitly discloses, though not explicitly, e-check generator to generate a check object based upon the image, the amount, and the check information. However, a secondary reference, Drummond, explicitly discloses e-check generator to generate a check object based upon the image, the amount, and the check information. (see Drummond paras 0262). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Goeller and Drummond to speed up check processing at the POS.

**Re claim 23, 24-29.** Goeller further discloses a machine-accessible medium containing instructions, which when executed by a machine, cause said machine to perform operations, comprising: scanning a check to create an image of the check in response to receiving a check as payment for a transaction (see fig.5, also see paras 0054 and

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0115); entering an amount of currency represented by the check into a point of sale terminal (see fig.5 element 302, also see paras 0039); identifying check information that describes a bank and a bank account, wherein the check comprises the check information (see paras 0039, 0054 and 0115). Goeller implicitly discloses, though not explicitly, generating a check object based upon the image, the amount, and the check information (see Goeller paras 0054). However, a secondary reference, Drummond, explicitly discloses generating a check object based upon the image, the amount, and the check information (see Drummond paras 0262). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Goeller and Drummond to speed up check processing at the POS.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Goeller.

**Re claim 9, 10-16.** Goeller discloses a method for transacting with an e-check, the method comprising: generating the e-check based upon a check (see paras 0054, also see paras 0115, also see fig.5) to substitute for a check as payment for a transaction; transmitting the e-check to a bank wherein the bank is identified by a routing number on

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the check (see fig.6A, element 410); and receiving a response to transmission of the e-check from the bank (see fig.6b ELEMENT 474), the response to clear the check when sufficient funds are available for the transaction from an account associated with the e-check (see fig.6Belement 462, and 470).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
443692